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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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 M&I EQUIPMENT FINANCE COMPANY, : 08 CV 02164 (GEL)(GWG)  
 Plaintiff, :  
 v. : **DEFENDANT'S RULE 56.1(b)**  
 SIGNATURE BANK, : **RESPONSE TO PLAINTIFF'S**  
 Defendant. : **LOCAL RULE 56.1(a)**  
 : **STATEMENT OF MATERIAL**  
 : **FACTS IN SUPPORT OT ITS**  
 : **CROSS-MOTION FOR**  
 : **SUMMARY JUDGMENT**  
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Defendant Signature Bank (“Signature”), pursuant to Local Rule 56.1(b), hereby responds to Plaintiff M&I Equipment Finance Company’s Local Rule 56.1(a) Statement of Material Facts dated July 14, 2008 (“Plaintiff’s Statement of Material Facts”) as follows:

1. Signature Bank assumes the truth of this paragraph 1 for purposes of this motion only. (Declaration of Robert Bloch sworn to on June 2, 2008 (“Bloch Decl.”) ¶ 23.)
2. Signature Bank assumes the truth of this paragraph 2 for purposes of this motion only.
3. Signature Bank denies paragraph 3 of Plaintiff’s Statement of Material Facts but does not dispute the truth for purpose of the motion and cross motion only. (Bloch Decl. ¶ 23 fn2.)

4. Signature Bank assumes the truth of this paragraph 4 for purposes of this motion only. (Bloch Decl. ¶ 25.)

5. Signature Bank assumes the truth of this paragraph 5 for purposes of this motion only.

6. Signature Bank admits paragraph 6 of Plaintiff's Statement of Material Facts. (Bloch Decl. ¶ 25.)

7. Signature Bank admits paragraph 7 of Plaintiff's Statement of Material Facts. (Bloch Decl. ¶¶ 23, 26.)

8. Signature Bank admits paragraph 8 of Plaintiff's Statement of Material Facts. (Bloch Decl. Exh. P.)

9. Signature Bank admits paragraph 9 of Plaintiff's Statement of Material Facts. (Bloch Decl. Exh. P.)

10. Signature Bank admits paragraph 10 of Plaintiff's Statement of Material Facts. (Bloch Decl. Exh. P.)

Dated: New York, New York  
August 4, 2008

HERRICK, FEINSTEIN LLP

By:   
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